

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WESLEY S. BATTEY, JR.,
 Plaintiff,

vs.

JASON SPURLING,
 Defendant.

Case No. 2:14-cv-00898-JAD-CWH

ORDER

This matter is before the Court on Plaintiff's Complaint (#1), filed on June 9, 2014. Plaintiff, who is a prisoner in the custody of the Clark County Detention Center, has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. However, he failed to file a motion/application to proceed *in forma pauperis*. Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has failed to submit all three forms. The Court will retain Plaintiff's civil rights complaint, but will not file it until the matter of payment of the filing fee is resolved. Plaintiff will be granted an opportunity to cure the deficiencies by filing all three required forms or in the alternative, he may pay the full filing fee for this action.

Furthermore, the Court notes that Plaintiff previously initiated an action based on these events in 2:13-cv-00537-APG-CWH. That action has been dismissed with prejudice. Accordingly, Plaintiff must submit a statement to the Court explaining how this action raises different claims and issues and is not precluded by the final determination of the previous case.

IT IS HEREBY ORDERED that the Clerk of the Court shall send Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner as well as the document entitled information and instructions for filing an *in forma pauperis* application to the following address:

1 Wesley S. Battey, Jr.
1829902
2 Clark County Detention Center
330 South Casino Center
3 Las Vegas, NV 89101

4 **IT IS FURTHER ORDERED** that within thirty (30) days of this Order, Plaintiff shall file
5 a fully completed application to proceed *in forma pauperis* on the correct form with the complete
6 financial attachments in compliance with 28 U.S.C. § 1915(a) or pay the full filing fee of \$400.00.

7 **IT IS FURTHER ORDERED** that the Clerk of the Court shall send Plaintiff the entire
8 docket sheet for 2:13-cv-00537-APG-CWH to the above noted address.

9 **IT IS FURTHER ORDERED** that Plaintiff shall submit a statement why this action
10 consists of different claims and issues than those raised in 2:13-cv-00537-APG-CWH and
11 therefore, is not barred by the final determination of the previous action.

12 **IT IS FURTHER ORDERED** that failure to comply with this order will result in a
13 recommendation that this action be dismissed.

14 **IT IS FURTHER ORDERED** that the Clerk of the Court shall retain the complaint, but
15 not file it at this time.

16 DATED: This 16th day of June, 2014.

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19 **C.W. Hoffman, Jr.**
20 **United States Magistrate Judge**
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